

EXHIBIT A

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From: **Fulton, Janelle E.** (JFulton@rubinfortunato.com)
Sent: Mon 3/31/14 4:08 PM
To: pryanbray@msn.com

Hi Ryan,

We cannot agree to you attaching documents produced by Merrill Lynch in the FINRA proceeding. As an initial matter, at the motion to dismiss stage, a court cannot consider any documents outside the pleadings unless the documents are publicly available. Second, and more importantly, documents produced by Merrill Lynch in the FINRA matter are subject to both the confidentiality agreement you (or your lawyers) entered into with Merrill Lynch and FINRA's position that its proceedings are confidential.

If the case proceeds beyond the motion to dismiss stage, I think both parties will want to use materials from the FINRA matter, and I expect that we will have to use the federal court's subpoena power to do so.

Best regards,

Janelle

Janelle E. Fulton
Rubin, Fortunato & Harbison P.C.
10 South Leopard Road | Paoli, PA 19301
☎ 610.408.2038 (Office) | ☎ 215.264.7634 (Mobile)
7610.854.1860 (Fax) | www.rubinfortunato.com

From: PRyanBray [<mailto:pryanbray@msn.com>]
Sent: Monday, March 31, 2014 10:35 AM
To: Fulton, Janelle E.
Subject: Proceedings

Hi Janelle

I wanted to get confirmation from you that in my response to your motions you will not have issue with me using documents and emails provided by you for the arbitration, that were used, in my exhibits for the court.

Thanks

Ryan